

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

CHARLES H. JOHNSON,

Plaintiff,

v.

CAPE MAY COUNTY CORRECTIONAL
FACILITY, et al.,

Defendants.

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Hon. Robert B. Kugler

Civil No. 10-1340 (RBK)

MEMORANDUM OPINION

IT APPEARING THAT:

1. On March 15, 2010, the Clerk received from Plaintiff, a prisoner incarcerated at Cape May County Correctional Facility, a civil Complaint and affidavit seeking permission to proceed in forma pauperis status pursuant to 28 U.S.C. § 1915. Plaintiff asserts that officials at Cape May County Correctional Facility violated his constitutional rights by strip searching him when he was brought to the facility.

2. Based on Plaintiff's affidavit and prison account statement, this Court will grant Plaintiff's application to proceed in forma pauperis pursuant to 28 U.S.C. § 1915.

3. On September 21, 2010, the United States Court of Appeals for the Third Circuit held that a blanket policy of strip searching all arrestees upon admission to the general population of a jail does not violate the Fourth Amendment, regardless of the offense charged and the absence of individualized suspicion. See Florence v. Burlington County Bd. of Chosen Freeholders, _____

F. 3d ____, 2010 WL 3633178 (3d Cir. Sept. 21, 2010); see also Bell v. Wolfish, 441 U.S. 520, 558 (1979).

4. Officials at Cape May County Correctional Facility did not violate Plaintiff's constitutional rights when they strip searched him upon admission to the jail. See Bell v. Wolfish, 441 U.S. at 558; Florence at *13. This Court will therefore dismiss the Complaint for failure to state a claim upon which relief may be granted. Id.

5. An appropriate Order accompanies this Memorandum Opinion.

s/Robert B. Kugler

ROBERT B. KUGLER, U.S.D.J.

Dated: September 30 , 2010